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JUVENILE LAW PROGRAMS

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The National Council of Juvenile and Family Court Judges® (NCJFCJ) headquartered on the University of Nevada campus in Reno since 1969, provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families.

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EXECUTIVE SUMMARY

For the past 18 years, one of the foundational trainings provided by the National Council of Juvenile and Family Court Judges (NCJFCJ) is the Child Abuse and Neglect Institute (CANI). This training was developed to help judges overseeing dependency and related cases acquire both the knowledge and skills needed to make informed decisions about the families and children who appear before them. Although most CANI participants are judges newly assigned to child abuse and neglect cases, more experienced judges also attend in order to remain current on best practices.

NCJFCJ staff routinely analyze training satisfaction of participants attending CANI. Recently an additional evaluation component has been added: decision-making. For the CANI training held in Reno, NV from June 23 to June 27, 2014, NCJFCJ research staff evaluated pre-CANI and post-CANI decision-making across various topics. Research staff administered a case scenario instrument specifically designed to test the impact of CANI training on judicial decision-making. On the first morning of the program, before any sessions were held, NCJFCJ research staff asked participants to read a hypothetical juvenile dependency case scenario and respond to several questions as a “pre-test” (pre-CANI). On the last morning of the program, participants completed the same decision-making exercise as a “post-test” (post-CANI). Pre-CANI and post-CANI responses were collected from 36 participants.

Below are the highlights of the pre-CANI to post-CANI responses.

After attending CANI:

- Participants were more likely to appoint a CASA for the child.
- Participants were more likely to order services for the mother.
- Participants were more likely to recommend that the child be placed with the father.
- There was a substantial increase in Indian Child Welfare Act (ICWA) inquiries.
- Participants were more likely to cite the child’s risk of harm as an important piece of information to be considered in their orders and findings.
- Participants were more likely to request additional information regarding the child’s well-being, specifically relating to the child’s physical and emotional well-being.

The decision-making exercise also was conducted at a 2013 CANI training held in Atlanta. Findings from the Reno training partially replicate those obtained from the Atlanta training. In both the Reno and Atlanta samples, there was an increased focus on ICWA and child's well-being and needs. There also was a greater focus on the child's father from pre- to post-CANI in both samples, though this focus was more pronounced in the Atlanta sample. There were, however, differences between the two samples. Whereas Atlanta CANI participants were more likely to focus on the father in general, Reno CANI participants were more likely to appoint a CASA for the child and order services for the mother.

Overall, findings suggest that CANI is helping to change some of the decision-making behaviors of its attendees. Specifically, CANI appears to bring attention to the importance of making ICWA inquiries and findings and focusing on the child's well-being. Whether these changes are long lasting and carry over across cases remains to be seen. Future studies can be conducted to assess these aspects, as well as others, in order to continually improve upon and tailor future CANI trainings.

The Child Abuse and Neglect Institute (CANI) was recently evaluated in terms of its effects on decision-making in mock child abuse and neglect cases. In accordance with the [NCJFCJ Policy Statement on Evidence of Effectiveness](#), CANI has been classified by NCJFCJ research staff as a **Promising Direction** using the Centers for Disease Control and Prevention Continuum of Evidence of Effectiveness, specifically as it relates to the outcomes identified above.

STUDY OVERVIEW

The National Council of Juvenile and Family Court Judges (NCJFCJ) conducts trainings across the country on a myriad of topics related to juvenile and family court systems. Topics include, but are not limited to: judicial leadership and ethics; implicit bias; federal child welfare legislation; and domestic violence. A recurring training is the Child Abuse and Neglect Institute (CANI) which provides instruction in dependency court best practices for judicial officers who have either been newly assigned to child abuse and neglect cases or for experienced juvenile dependency judges who would like to learn about emerging and promising practices in this field. Recently, NCJFCJ has begun assessing changes in participants' decision-making before and after trainings. During the 2014 training held in Reno, NV, NCJFCJ assessed changes in participants' decision-making before and after CANI. The purpose of evaluating changes in decision-making was to determine if judicial officers make different decisions or think about cases differently after attending the training. More specifically, research questions for decision-making included:

- 1) Did the likelihood of making a given order change?
- 2) Did reasonable efforts findings change?
- 3) Did the information that participants found most important to their decision-making change?
- 4) Did the additional information participants would like to know about the case change?

METHOD

Researchers employed a pre/post-test design in order to assess decision-making. At the beginning (before any sessions were held) of the CANI conference (pre-CANI), participants ($N=36$) were given a description of a hypothetical juvenile dependency shelter care hearing and the accompanying case facts. In this scenario, the child is removed from the father's girlfriend, who has serious substance abuse allegations. After reading the scenario, participants responded to a series of closed-ended questions (i.e., those that offer a pre-defined response) as if they were the presiding judge over this case. For example, participants indicated how likely they would be to make a judicial order regarding appointment of a CASA for the child, to place the child with the paternal grandmother, to place the child in non-relative foster care, and to order services for the mother. All responses were made using a 4-point scale in which 1 = Very Unlikely and 4 = Very Likely. Participants also responded to a series of open-ended questions (i.e., those that allow the participant to respond in any way they see fit), including "What information (from the case scenario) was most important in your decision-making?", "What findings do you need to make at this hearing?", and "What else do you need to know to make a decision on this case?"

On the last day of the CANI conference (post-CANI), participants were given the same hypothetical juvenile dependency shelter care hearing and case facts and responded to the same set of questions from the pre-CANI questionnaire. They were told that their responses may be the same or different from the ones they had provided earlier. A unique numeric identifier was assigned to each participant which also appeared on their questionnaires, so that pre- and post-CANI responses could be matched to identify any potential change that occurred by participant.

RESULTS

LIKELIHOOD OF ORDER CHANGE

Participants' judgments regarding whether the child should be returned home or kept in care were the same at both pre-CANI and post-CANI (90.9% kept in care; 9.1% returned home). There was a significant difference in reasonable efforts findings among participants. Specifically, participants were more likely to indicate that the agency made reasonable efforts to prevent removal at pre-CANI (25.8%) than at post-CANI (6.5%).

In addition to a question about placement, participants responded to several questions asking them to indicate how likely they would be to make a given ruling using the information from the shelter care hearing scenario. There was a statistically significant difference in likelihood from pre- to post-CANI for two orders: (1) appointment of a CASA for the child and (2) service referrals for the mother. As indicated in Table 1, participants were more likely to order an appointment of a CASA for the child post-CANI ($M = 3.77$) than pre-CANI ($M = 3.40$). Participants were also more likely to order service referrals for the mother post-CANI ($M = 3.55$) than pre-CANI ($M = 3.09$).

There was a marginally significant difference from pre- to post-CANI for one order: placing the child with the father once he is released from jail. As further indicated in Table 1, participants were more likely to place the child with the father once he is released post-CANI ($M = 2.08$) than pre-CANI ($M = 1.76$).

Table 1. Responses to Pre- and Post-CANI Questions		
How likely are you to order...	Pre-CANI	Post-CANI
Further investigation by DHS?	3.75	3.88
Appointment of a CASA for the child?	3.40	3.77**
Placement of the child with the paternal grandmother?	3.48	3.39
Placement of the child in non-relative foster care?	1.97	1.84
Placement of the child with the father once he is released?	1.76	2.08*
Placement of the child with the mother once she is located?	1.57	1.67
Service referrals for the mother?	3.09	3.55**
Service referrals for the father?	3.33	3.48
Service referrals for the child?	3.70	3.94
Note: Responses on a 4-point scale, with 1 = Very Unlikely and 4 = Very Likely; ** denotes a statistically significant difference from pre-CANI to post-CANI; * denotes a marginally significant difference from pre-CANI to post-CANI.		

LIST OF FINDINGS

Participants responded to the question, “What findings do you need to make at this hearing?” Pre- and post-CANI responses differed on this question. For instance, once participant listed that he or she needed to find that “paternal grandmother is appropriate caregiver, past history of mother, father unable to take custody”; post-CANI, however, the same participant listed “ICWA, paternity established, prior contacts with CPS in other states, condition of child.” On the aggregate level, there were few differences between findings made at pre-CANI and post-CANI. There was, however, an increase in the mention of ICWA. At pre-CANI, 8.3% of participants cited ICWA-related findings. At post-CANI, 20.6% of participants cited ICWA related findings.

IMPORTANT INFORMATION

Participants responded to the question, “What information (from the case scenario) was most important in your decision-making?” Pre- and post-CANI responses differed on this question with regard to two pieces of information. First, at post-CANI, participants were less likely to implicate the father’s girlfriends’ substance abuse as a key piece of information (24.1%) than at pre-CANI (40.0%). Second, 48.2% of the post-CANI respondents cited current evidence of risk of harm to the child as one of the most important pieces of information in their decision-making, compared to 31.4% of the pre-CANI participants.

ADDITIONAL INFORMATION

Participants responded to the question “What else would you like to know in order to make an informed decision on this case?” Overall, there was a difference in the frequency with which participants requested additional information related to ICWA from pre- to post-CANI. Pre-CANI, 8.3% of participants indicated that they would like more ICWA-related information; post-CANI 24.2% of participants requested this information. Moreover, 27.8% of pre-CANI participants requested information related to the child, typically regarding the child’s physical and emotional well-being. Post-CANI, 86.2% of participants requested this type of information.

DISCUSSION

Findings suggest that CANI trainings do positively influence participants’ decision-making in some key areas. First, participants were more likely to reference ICWA when asked what findings they needed to make and were more likely to request additional information regarding the child’s Indian ancestry at post-CANI than at pre-CANI. It appears CANI training helped many judicial officers recognize the importance of ICWA compliance, and that they in turn used their knowledge of ICWA to guide their decision-making in this exercise.

Second, there was a notable difference in the extent to which participants who attended both trainings focused on the child’s well-being and needs from pre-CANI to post-CANI. Pre-CANI, participants focused more on the circumstances of the parents and girlfriend (e.g., reasons for the father’s incarceration, girlfriend’s substance abuse, etc.). Participants continued to request information about parents’ history post-CANI; however, there was a

shift towards inquiries focused on the well-being and safety of the child. Because discussion of child's well-being and safety is often insufficient during hearings¹, an increased focus on the child can be interpreted as a favorable outcome of the trainings.

Third, participants were slightly more likely to place the child with the father after completing CANI training than before attending CANI. Within the child welfare system there appears to be a systematic bias against fathers such that fathers are often discounted or excluded when making case-related decisions.² Thus, the finding that participants were slightly more likely to focus on the father after attending CANI can be considered a favorable outcome of the trainings. Fourth, participants were significantly more likely to order appointment of a CASA for the child and services for mother after completing the CANI training.

The results from the CANI training in Reno, Nevada are a partial replication of the results found from the CANI training in Atlanta, Georgia.³ The first two findings (i.e., more focus on ICWA and child's well-being and needs) were replications of findings in the Atlanta sample. However, there were differences between the two samples. For instance, there was an increased focus on the child's father in both samples from pre-CANI to post-CANI, but this focus was greater in the sample of Atlanta CANI participants. Furthermore, whereas Atlanta CANI participants were more likely to focus on the father in general (e.g., ordering services for the father and placing the child with the father), Reno CANI participants were more likely to appoint a CASA for the child and order services for the mother. Because each group of attendees was comprised of judicial officers with varying perspectives and backgrounds, it is possible that these factors influenced their responses to the decision-making exercise. However, the exact factors responsible for these differences are unknown.

These results should be interpreted within context and considering the limitations of this study. For instance, although CANI participants were told that their post-CANI responses

¹ Summers, A., Russell, J., Darnell, A., & Maher, E. (2012). *Examination of judicial practice in placement review hearings for youth in the permanent managing conservatorship of Texas*. Seattle, WA: Casey Family Programs. Retrieved from http://www.casey.org/media/DependencyCourts_FullReport.pdf

² National Child Welfare Resource Center for Family-Centered Practices (2002). Father involvement in child welfare: Estrangement and reconciliation. *Summer*, 1-13. Retrieved from <http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/newsletter/BPNPSummer02.pdf>

³ For detailed findings of the Atlanta CANI evaluation, see Wood, S., Bohannon, T., Sicafuse, L., & Summers, A. (2014). *2013 Child Abuse and Neglect Institute in Atlanta*, GA. Reno, NV: National Council of Juvenile and Family Court Judges. Retrieved from <http://www.ncjfcj.org/sites/default/files/Atlanta%20CANI%20Report%20Final.pdf>

could be the same or different from their pre-CANI responses, some participants may have felt a need to be consistent in their pre and post responses despite what they learned from attending the trainings. Conversely, some participants may have been motivated to change their responses post-CANI regardless of what they learned. Furthermore, this study only examines the impact of CANI on hypothetical decisions. It is impossible to tell, at the moment, whether CANI participants actually apply the knowledge and skills acquired in their daily practice.

Overall, findings suggest that CANI is helping to change some of the decision-making behaviors of its attendees. Specifically, CANI appears to bring attention to the importance of making ICWA inquiries and findings and focusing on the child's well-being. Whether these changes are long lasting and carry over across cases remains to be seen. Future studies can be done to assess these aspects, as well as others, in order to continually improve upon and tailor future CANI trainings.

CONCLUSION

NCJFCJ has been holding the CANI training for over 18 years. This training was developed to help judges overseeing dependency cases acquire the knowledge and skills needed to make informed decisions about the children and families who come before them. Traditionally, evaluations of CANI trainings has involved distributing daily questionnaires asking participants to rate usefulness of each session that day as well as the quality of the presenters. Recently, however, a new component has been added to these trainings designed to address the topic of judicial decision-making. Such an assessment is warranted given that the overarching objective of CANI is to improve judicial decisions.

The results of this current evaluation support the classification of CANI as “Promising Direction” according to the [Centers for Disease Control and Prevention Continuum of Evidence of Effectiveness](#). Findings suggest that CANI has several positive effects on judicial decision-making, including increased motivation to comply with ICWA, an increased focus on the child, and an increased willingness to engage the father. Future research should seek to examine how judicial officers put these changes in decision-making into practice and whether these changes influence outcomes for children and families involved in the system.